



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

*We Protect Hoosiers and Our Environment.*

*Mitchell E. Daniels, Jr.*  
Governor

*Thomas W. Easterly*  
Commissioner

100 North Senate Avenue  
Indianapolis, Indiana 46204  
(317) 232-8603  
Toll Free (800) 451-6027  
[www.idem.IN.gov](http://www.idem.IN.gov)

March 15, 2010

VIA CERTIFIED MAIL

7002 0510 0002 7964 5598

Mr. Jerry Smith  
Seventy-Seven LTD.  
2605 West County Road 200 North  
Greenfield, Indiana 46140

Dear Mr. Smith:

Re: NPDES Permit No. ING490114  
Greenfield Gravel, Inc.  
3502 North County Road 100 West  
Greenfield, Indiana 46140  
Hancock County

This agency has reviewed your request dated January 5, 2010, for voidance of the above-referenced permit. According to the letter the water pump at the site was removed in the third quarter of 2008, and no water has been discharged since that time. IDEM Office of Water Quality inspector Jason Palin visited the site recently and confirmed that the operation is not in use, and that there is no longer a discharge present. Therefore our office concurs that the NPDES permit is not needed and can be voided.

Therefore, National Pollutant Discharge Elimination System Permit No. ING490114, issued February 15, 2008, is hereby revoked effective 18 days from the mailing date of this letter.

Any party adversely affected or aggrieved by this decision may appeal by filing a petition for administrative review with the Office of Environmental Adjudication (OEA) within eighteen (18) days after the date of mailing of this letter. Any appeal request must be filed in accordance with IC 4-21.5-3-7 and must include facts demonstrating that the party requesting appeal is the applicant, a person aggrieved or adversely affected by this voidance or otherwise entitled to review by law. Pursuant to IC 13-15-7-3, this decision shall remain in effect pending a decision on any appeal that has been timely requested under the provisions of IC 4-21.5. The address is:

Office of Environmental Adjudication  
Indiana Government Center North  
100 North Senate Avenue, Room 501  
Indianapolis, IN 46204

Mr. Jerry Smith  
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You are reminded that any future discharge to waters of the state must be preceded by the submission of an NPDES application at least 180 days prior to the commencement of such discharge.

If you have any questions regarding this matter, please contact Ms. Sheri L. Jordan of our staff at 317/ 232-8703.

Sincerely,



Paul Higginbotham, Chief  
Permits Branch  
Office of Water Quality

Slj/

cc: Hancock County Health Department

STATE OF INDIANA  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

PUBLIC NOTICE NO. 2010 – 3D -GP

DATE OF NOTICE: March 15, 2010

The Office of Water Quality issues the following NPDES GENERAL PERMIT.

**TERMINATION**

**GREENFIELD GRAVEL, INC.**, Permit No. ING490114, HANCOCK COUNTY, Greenfield, IN. This permit is being terminated because there is no longer a discharge. Permit Writer: Sheri Jordan at 317/232-8703.

**PROCEDURES TO APPEAL**

General Permit documents are available for inspection at IDEM, Office of Water Quality/Permit Section, IGCN, 100 N Senate Ave, Indianapolis, IN, Room 1203, from 9 - 4, Monday-Friday (copies 10¢ per page). The General Permit is also available at the local Health Department. Please tell others you think would be interested in this matter.

**Appeal Procedure:** Any person affected by the issuance of the Final Permit may appeal by filing a Petition for Administrative Review with the Office of Environmental Adjudication within eighteen (18) days of the date of this Public Notice. Any appeal request must be filed in accordance with IC 4-21.5-3-7 and must include facts demonstrating that the party requesting appeal is the applicant; a person aggrieved or adversely affected or is otherwise entitled to review by law.

**Timely filing:** The Petition for Administrative Review must be received by the Office of Environmental Adjudication (OEA) within 18 days of the date of this Public Notice; either by U.S. Mail postmark or by private carrier with dated receipt. This Petition for Administrative Review represents a request for an Adjudicatory Hearing, therefore must:

- state the name and address of the person making the request;
- identify the interest of the person making the request;
- identify any persons represented by the person making the request;
- state specifically the reasons for the request;
- state specifically the issues proposed for consideration at the hearing;
- identify the Final Permit Rule terms and conditions which, in the judgment of the person making the request, would be appropriate to satisfy the requirements of the law governing this NPDES Permit rule.

If the person filing the Petition for Administrative Review desires any part of the NPDES Final Permit Rule to be stayed pending the outcome of the appeal, a Petition for Stay must be included in the appeal request, identifying those parts to be stayed. Both Petitions shall be mailed or delivered to the address here:  
**Phone: 317/232-8591.**

Environmental Law Judge  
Office of Environmental Adjudication  
IGC – North Building- Rm 501  
100 N. Senate Avenue  
Indianapolis IN 46204

**Stay Time frame:** If the Petition (s) is filed within eighteen (18) days of the mailing of this Public Notice, the effective date of any part of the permit, within the scope of the Petition for Stay is suspended for fifteen (15) days. The Permit will become effective again upon expiration of the fifteen (15) days, unless or until an Environmental Law Judge stays the permit action in whole or in part.

**Hearing Notification:** Pursuant to Indiana Code, when a written request is submitted, the OEA will provide the petitioner or any person wanting notification, with the Notice of pre-hearing conferences, preliminary hearings, hearing stays or orders disposing of the Petition for Administrative Review. Petition for Administrative Review must be filed in compliance with the procedures and time frames outlined above. Procedural or scheduling questions should be directed to the OEA at the phone listed above.



5 Jan 2010

IDEM  
OFFICE OF  
WATER QUALITY

Ms. Sheri Jordan  
Office of Water Quality  
NPDES Permit Section

2010 JAN -6 P 3:14

RE: ING490114

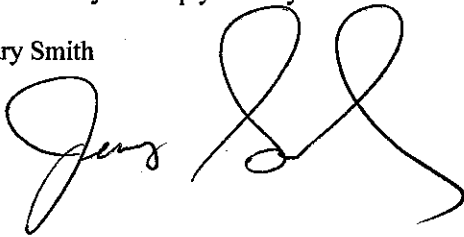
Dear Sheri,

Reference our phone conversation yesterday regarding our permit. We have not discharged any water since the 3<sup>rd</sup> qtr of 2008. The water pump was removed and no water has been pumped into the creek since that time. This letter is to notify the department that we no longer need our permit (ING490114).

You advised that someone from your department would need to inspect the site. Please have them call me at 317-326-4003 (office) 317-557-2722 (cell). I will be able to meet your representative anytime to show them where the discharge was located.

Thanks for your help yesterday.

Jeary Smith

A handwritten signature in black ink, appearing to read 'Jeary Smith', with a large, stylized flourish extending from the end of the name.

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